

REMARKS

This responds to the Office Action mailed on May 21, 2007 and the Advisory Action mailed on August 10, 2007.

Claims 1, 8, and 15 are amended; as a result claims 1-20 are presently pending in this application. There are no amendments made with this Communication.

Support for the above-noted amendments may be found in a variety of locations throughout the original filed specification, by way of example only the Examiner's attention is directed to at least paragraphs 23, 24, and 28 of the original filed specification.

§102 Rejection of the Claims

Claims 8-19 were rejected under 35 U.S.C. § 102(b) for anticipation by Headings et al. (U.S. 2002/0083006A1). To sustain an anticipation rejection each and every claim limitation must be taught or suggested in the exact detail and identical arrangement in the cited reference.

Fundamentally, Headings is directed to processing that is fundamentally different from what Applicant has claimed. Specifically, independent claims 8 and 15 include limitations in one form or another where the media data is in possession of the recipient before any authentication is requested.

The Headings reference does permit advertisements to be viewed, however those advertisements are the media content in this scenario and they are actually viewed before authentication is achieved. The above noted amendments now make clear that the media content is not viewed until authentication is achieved and that the media content that a recipient attempts to play is in a format known only to the media player, which is itself part of the initial media stream.

Additionally, the media content is in a format known only to the media player. This is not the case in Headings where the media content is either not encrypted at all in the case where the advertisements are viewed as media content or are encrypted and have to be decrypted by an independent decryption service. *See paragraph 57 of Headings.*

Furthermore, it is the media player and not a recipient or user that generates and supplies the authentication information that permits the media player to subsequently play the media content. This is also not taught or suggested in the Headings reference.

Therefore, Applicant respectfully submits that Headings cannot be said to anticipate the claims and the rejections of record should be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

§103 Rejection of the Claims

Claims 1-5 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Headings et al. in view of Chiu et al. (U.S. 2003/0208678A1). It is of course fundamental that in order to sustain an obviousness rejection each and every claim limitation must be taught or suggested in the proposed combination of references.

The proposed combinations fail to show media content that is in a format known only to a media player and fail to show a media player that generates and supplies authentication information on behalf of a recipient. The combination also fails to teach or suggest an authentication token that simply serves as an acknowledgement to the media player that it is permissible to play the media content, which again is in a format known only to the media player.

Thus, the rejections with respect to claims 1-5 and 7 should be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

Claim 6 was rejected under 35 USC § 103(a) as being unpatentable over Headings et al. and Chiu et al. further in view of Capitant (2003/0078891A1). Claim 6 is dependent from independent claim 1; thus, for the remarks presented above with respect to claim 1, the rejection of claim 6 should be withdrawn. Applicant respectfully requests an indication of the same.

Claim 20 was rejected under 35 USC § 103(a) as being unpatentable over Headings et al. and further in view of Capitant. Claim 20 is dependent from independent claim 15; therefore, for the remarks presented above with respect to claim 15, the rejection of claim 20 should be withdrawn. Applicant respectfully requests an indication of the same.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 10/613,721

Filing Date: July 3, 2003

Title: METHODS, DATA STRUCTURES, AND SYSTEMS FOR AUTHENTICATING MEDIA STREAM RECIPIENTS

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Dkt: 1780.003US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21st day of August 2007.

KIMBERLY BROWN

Name

Signature

